

**PALM BEACH COUNTY LIBRARY SYSTEM
GOVERNMENT DOCUMENTS**

ORDINANCE NO. 2010 - 010

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 2, ARTICLE III, DIVISION 2, PART A (THE PALM BEACH COUNTY PURCHASING CODE); AMENDING SECTION 2-52 "DEFINITIONS"; AMENDING SECTION 2-54 (f) "ALTERNATIVE SOURCE SELECTION"; AMENDING SECTION 2-58 "CONFLICT OF INTEREST"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida enacted Ordinance No. 2005-062, referred to as the "Palm Beach County Purchasing Code", which established a centralized purchasing system to govern the procurement of goods and services; and

WHEREAS, on April 15, 2008, the Board of County Commissioners of Palm Beach County, Florida enacted Ordinance No. 2008-009 thereby amending the Palm Beach County Purchasing Code in order to facilitate and enhance the efficiency of the County's procurement process; and

WHEREAS, there is a recognized need to make minor revisions to the Purchasing Code in order to further facilitate the efficiency of the County's procurement process for purchases made for the Glades Utility Authority and for implementation of the Inspector General Fee; and

WHEREAS, the Board of County Commissioners desires to amend the Palm Beach County Purchasing Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-52 "Definitions", is amended as set forth below:

Glades means the area from the Broward County line north along Canal L-36 to the Loxahatchee National Wildlife Refuge, thence north to Southern Boulevard along Canal L-40, thence west along Southern Boulevard to a north-south line 1 1/2 miles west of Canal L-8, which coincides with a private agricultural road heading north from Southern Boulevard at that point where State Road 880 intersects Southern Boulevard from the South, thence north along the line of this north-south road to the boundary of the J.W. Corbett Wildlife Management Area, thence east and north along the boundary of the J.W. Corbett Wildlife Management Area to the Martin County line.

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2 *Glades business* means a bidder or proposer which has a permanent place of business
3 within the Glades and which holds a business tax receipt issued by Palm Beach County that
4 authorizes the bidder or proposer to provide the goods, services, or construction to be built and
5 which is issued prior to the issuance of the invitation for bids/request for proposals for which a
6 preference is sought. If the business is a joint venture/partnership, it is sufficient for qualification
7 as a Glades business if at least one of the joint venturers/partners meets the requirements set
8 forth in this subsection.

9
10 *Glades Utility Authority ("GUA")* means that Authority that has been created pursuant to
11 Part 1 of Chapter 163, Florida Statutes (the Florida Interlocal Cooperation Act of 1969) for the
12 purpose of providing water, wastewater and reclaimed water service to the residents of the cities
13 of Belle Glade, Pahokee, South Bay and surrounding areas in an efficient and fiscally
14 responsible manner, and that is governed by its Board of Directors.

15
16 *Inspector General Fee* means the fee imposed pursuant to the Palm Beach County Inspector
17 General Ordinance (Ordinance No. 2009-049).

18
19 **SECTION 2. Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-54**
20 **(f), "Alternative Source Selection", is amended as set forth below:**

21 (5) *Purchases off contracts of other entities ("piggyback purchases")*. Notwithstanding
22 any requirements of the purchasing code, the purchase of goods or services under contract with a
23 federal, state or municipal government or any other governmental agency, political subdivision, or
24 government-related association, may be made providing that the originating entity utilized a
25 competitive process similar to the county's, as determined by the director of purchasing; and,
26 providing that the county accepts the terms and conditions specified within the originating contract;
27 and providing that the contractor extends the terms and conditions of the contract to the county. In
28 the event that the Inspector General Fee is not included in the original contract, the County may
29 impose the Inspector General Fee on piggyback purchases where the contractor is in agreement
30 with said Fee.

31
32 (11) *Glades Utility Authority ("GUA") purchases under \$100,000*. Any GUA purchase for
33 goods or services in an amount less than \$100,000 shall be made in accordance with this
34 Ordinance and the policies and procedures promulgated by the Purchasing Department; however,
35 the pool of responding vendors shall be limited to those located in the Glades unless there are no
36 Glades vendors providing that good or service. In the event that purchases are made through this
37 alternative source selection, the Palm Beach County Local Preference Ordinance shall not apply.

1 The GUA Board may determine that there are no Glades vendors providing that good or service, or
2 that it is in the best interests of the GUA not to limit the pool of potential vendors to only Glades
3 vendors via this alternative source selection.
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5 **SECTION 3. Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-58**
6 **“Conflict of Interest”, is amended as set forth below:**

7 *Special Masters.* Special Masters shall be subject to a policy and procedure implemented by
8 the Purchasing Department relating to outside counsel conflicts of interest. In addition, the ethics
9 rules promulgated by the Florida Bar pertaining to conflicts of interest shall apply. If a special master
10 is unable to provide a fair hearing for any reason, the special master shall not accept the case and
11 shall immediately notify the Director of Purchasing of the conflict. The Purchasing Director shall
12 reassign the case to a special master who does not have a conflict with the case.
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14 **SECTION 4. Repeal of Laws In Conflict.**

15 All local laws and ordinances in conflict with any provision of this Ordinance are hereby
16 repealed to the extent of such conflict.
17

18 **SECTION 5. Severability.**

19 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
20 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the
21 remainder of this Ordinance.
22

23 **SECTION 6. Savings Clause.**

24 All provisions of Ordinance No. 2005-062, the Palm Beach County Purchasing Code, as
25 amended, are specifically preserved and remain in full force and effect for the limited purpose of
26 enforcing any violation of said Ordinance.
27

28 **SECTION 7. Inclusion In The Code Of Laws And Ordinance.**

29 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
30 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be re-numbered or
31 re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “article”, or
32 other appropriate word.
33

34 **SECTION 8. Effective Date.**

35 The provisions of this Ordinance shall become effective upon filing with the Department of

1 State.

2
3 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County,
4 Florida, on this the 20th day of April, 2010.

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7
8 **SHARON R. BOCK,**
9 **CLERK & COMPTROLLER**
10 **PALM BEACH COUNTY**

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

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13
14 By: *Latoya Osborne*
15 Deputy Clerk

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18 By: *Burt Aaronson*
19 Burt Aaronson, Chair

20 **APPROVED AS TO FORM AND**
21 **LEGAL SUFFICIENCY**

22
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24
25 By: *[Signature]*
26 County Attorney

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32 **EFFECTIVE DATE:** Filed with the Department of State on the 22nd day of April, 2010.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on April 20, 2010

dated at West Palm Beach, FL, on 4/29/10
By: *Diane Brown*
Deputy Clerk

